

Sub
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Contd

5. The method of installing solar cell modules of claim 2, wherein the solar cell sub-modules in the plurality of solar cell modules respectively comprise a plurality of power generating regions, and the plurality of power generating regions are connected in series or in parallel so that the plurality of solar cell modules obtain an equal output voltage.

REMARKS

This patent application presently includes Claims 1-7, all of which stand rejected. Claims 1-5 are amended for clarity, and all rejections are respectfully traversed.

Claims 1-5 were rejected under 35 U.S.C. §112 for the use of the term "types of" in describing the solar cell modules. This term has now been deleted from all of the claims. Accordingly, this rejection should be withdrawn.

Claims 1-4 were rejected as obvious over Younan et al. U.S. Patent No. 5,575,861. This rejection is respectfully traversed. Younan does not teach or suggest the present invention.

In accordance to the present invention, the plurality of solar cell modules have an equal output voltage, although they are different in size. Younan does not even remotely suggest that different size modules have the same output voltage, and the examiner admits as much. Despite, the examiner's handwaving, the truth remains that there is not the slightest teaching or suggestion in Younan

that the different size modules provide the same output voltage, or that this would be of any benefit.

Therefore, it can only be concluded that the examiner has made this rejection on the basis of his personal knowledge. The applicants therefore call upon the examiner to support this rejection by an affidavit, as required by 37 CFR 1.104(d)(2), which shall be subject to contradictory explanation by the affidavits of appropriate experts.

In the absence of a specific prior art teaching that modules of different size provide the same output voltage or the affidavit called for by the applicants, the examiner would have absolutely no support for his rejection, and it is assumed that it will be withdrawn.

Although Younan does disclose that voltage is controlled through the use of different wiring configurations (Column 5, Lines 58-62), this relates to voltage control of the system as a whole, merely describing that the output voltage of the entire system is controlled by the configurations of the interconnections of the modules. This has absolutely nothing to do with the voltages produced by the individual modules. Furthermore, the configuration shown in Younan are far from the configuration of the present invention, which makes the output voltage of the individuals equal regardless of size.

With regard to Claim 2, the examiner suggests that the element indicated by the numeral 35 of Younan corresponds to the sub-module of the present invention. However, this is simply another module that is smaller in size,

and such modules are not disclosed as being interconnected to construct a module.

For the foregoing reasons, the obviousness rejection is believed to be improper and Claims 1-4 are believed to be allowable.

Claims 5-7 were rejected as obvious over Younan in view of the admission of prior art within the application. These rejections are respectfully traversed.

Claim 5 depends indirectly from Claim 1 and is believed to be allowable based upon its dependence from an allowable claim.

Regarding Claim 6, the examiner regards the encapsulant layer 88 of Younan as the cover member of the claim. However, layer 88 merely covers the exposed end portion of the solar cell (See Column 10, Lines 6-8). It does not cover the wiring member.

Regarding claim 7, apparently, the examiner has overlooked the requirement that for references to be combined, "there must be some reason, suggestion or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the applicants' invention itself." *In Re Oetiker*, 24 U.S.P.Q. 2d 1443 (Fed. Cir. 1992). "The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 23 U.S.P.Q. 2d 1780, 1783 (Fed Cir. 1992).

Thus the fact that some prior art may have disclosed using a raised portion and a suspended portion for causing modules to engage may be known, but there is not the slightest suggest in any prior art to make the combination suggested by the examiner.

Indeed, the only disclosure for the combination made by the examiner is the present patent application itself. As stated by the CAFC in *In Re Fritch*, 23 USPQ 2d. 1780 (Fed. Cir. 1992):

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious... This court has previously stated that "one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

The CAFC has also stated that:

As in all determination under 35 U.S.C. §103, the decision maker must bring judgment to bear. It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.

In Re Gorman, 18 USPQ 2d. 1885 (Fed. Cir. 1991).

It might very well be asked how the present invention could be considered obvious, since substantial benefits in efficiency and ease of construction are derived from the combination of invention and no reference of record even suggests it. It is by now well settled that obviousness cannot be established by combining the teachings of prior art references to produce a claimed invention,

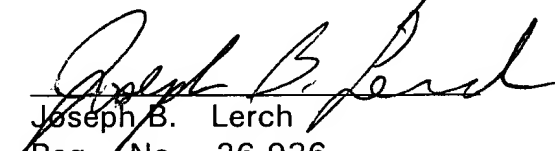
absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montifore Hospital*, 221 USPQ 929 (Fed. Cir. 1984).

In summary, the examiner has no basis for making the combination he suggests in arriving at the rejection.

For all of the above reasons, Claim 7 is believed to be allowable in its present form.

Applicant's attorney has made every effort to place this patent application in condition for allowance. It is therefore earnestly requested that this application, as a whole, receive favorable reconsideration and that all of the claims be allowed as presently constituted. Should there remain any unanswered questions, the examiner is requested to call the applicant's undersigned attorney at the telephone number given below.

Respectfully submitted,


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